Planning Justification Report

King Paving Asphalt Plant Relocation to 291 North Service Road



July 31, 2024

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King Paving Relocation to Halton Landfill Site 291 North Service Road

Planning Justification Report

1 Introduction

DeLoyde Development Solutions has been retained by King Paving to assist in its relocation from its current location in the Aldershot Major Transit Station Area (MTSA) to the southerly portion of the closed Halton Landfill site at 291 North Service Road. The site is described as Part of Lot 4 CON 2 former Township of East Flamborough municipally known as 291 North Service Road.

King Paving's entire operation employs 200 staff and has been in Burlington since 1983. King has been in Halton for almost 100 years. King Paving is interested in relocating its asphalt plant to the former Halton Landfill site which is much preferred over the existing location for ease of access to regional markets. Also, there is considerable pressure to redevelop the existing King plant site for high intensity, transit-oriented development in the South Aldershot MTSA.

2 Purpose of Report

The purpose of this report is to describe the proposed King Asphalt plant relocation proposal and assess the proposal in the context of the policies of the Provincial Policy Statement ('PPS'), the Growth Plan for the Greater Golden Horseshoe ('GGH'), the Greenbelt Plan, the Halton Region Official Plan ('HROP'), the City of Burlington Official Plan, the Parkway Belt West Plan and other applicable policies and regulations that apply to the subject lands.

Two preapplication consultation meetings were held on April 17, 2019, and October 11, 2021, which identified that an Official Plan Amendment, Zoning By-law Amendment, and site plan approval are required. The King Paving applications for an Official Plan, Zoning By-law Amendment, and site plan approval along with supporting materials are submitted in accordance with communications received from planning staff at the City of Burlington.

A King Paving sponsored preapplication public meeting was held on January 20, 2022, to introduce the project to the other landowners in the area and the public. Comments and questions arose at that public meeting which have been responded to by King in this application as outlined in the report.

In 2023, City staff subsequently determined that more work and detail would be required to constitute a complete application as described in the Planning Act. This updated justification report includes the requested additional policy and environment related work and provides updates on external agency approvals. Revisions have been made to technical reports and this justification report.

3 Site Description and Context

3.1 Location of Property

The subject lands are located on the north side of the North Service Road and Highway 403, approximately mid-way between King Road and Waterdown Road, as shown in Figure 1. The proposed plant site is situated in the southerly part of the closed 45.6 ha Halton Landfill site. The subject lands comprise approximately 2.4 hectares of the former landfill site. While subject lands were not part of the municipal landfill operation, they were used to store inert rock fill, accommodated weigh scales, and related truck access to the North Service Road. The site is bounded by the North Service Road to the south, portions of the former landfill site to the north, Falcon Creek to the west, a vacant employment designated property to the east and a Hydro easement that traverses the former landfill site to the north.

Figure 1 – Site Location



3.2 Legal Description and Lease Arrangement with the Region of Halton

The Region of Halton owns the subject lands and are subject to a licence issued by the Province of Ontario for the maintenance of a closed landfill site. The subject site is best described as a brownfield site given its former association with the landfill operation to the north. The north limit of the subject site is the south limit of the Hydro corridor. The Halton Council approved lease area is shown in yellow in Figure 2 below.

The legal description of the subject site is Part Lot 4 Concession 2 former Township of East Flamborough. King Paving has received Halton Council approval in 2021 to enter into a strata type lease arrangement with Halton Region Council to operate a state of the art asphalt plant on the subject lands for approximately four decades. The lease is a strata lease because King is interested in leasing the surface area of the subject lands for its plant. Access to the plant will be provided by a new Hickory Lane driveway that connects the former landfill site to the North Service Road. The terms of the lease require King to return the subject lands to Halton in their current environmental condition.

Figure 2 – Halton Lease Area Shown in In Yellow



3.3 Property Characteristics

The subject 2.4 hectare lands are generally rectangular in shape and have been vacant for the past three decades. The lands are considered a brownfield site since they were associated with the former landfill operation that closed before the 1990's. The area covered by the lease with Halton and King Paving's Official Plan and Zoning amendment applications extends from the south limit of the Hydro corridor to the North Service Road as shown in Figure 2. The plant will be situated on top of a flat, 6+ metre high, rubble pad covered by granular material suitable for heavy vehicles. This rock fill area was previously used for weigh scales and truck access to the North Service Road. The 5+ metre deep rubble area was created during the operation of the landfill before it was closed prior to the 1990's. The site plan proposes reducing the height of the rock fill pad by up to 2 m in certain areas to help reduce any visual impacts and provide for safe truck movements.

The subject lands will have direct access to the North Service Road via a reconstructed laneway along the east side of the lease area. The laneway will provide ready access to the closed Halton landfill site and the underground leachate collection and environmental services as well as the King plant. There is a former Y-shape access road network extending from the subject lands to the former landfill site. The new Halton landfill laneway generally follows the legacy truck routes on the landfill site.

The site generally falls in a north to south direction down to the North Service Road.

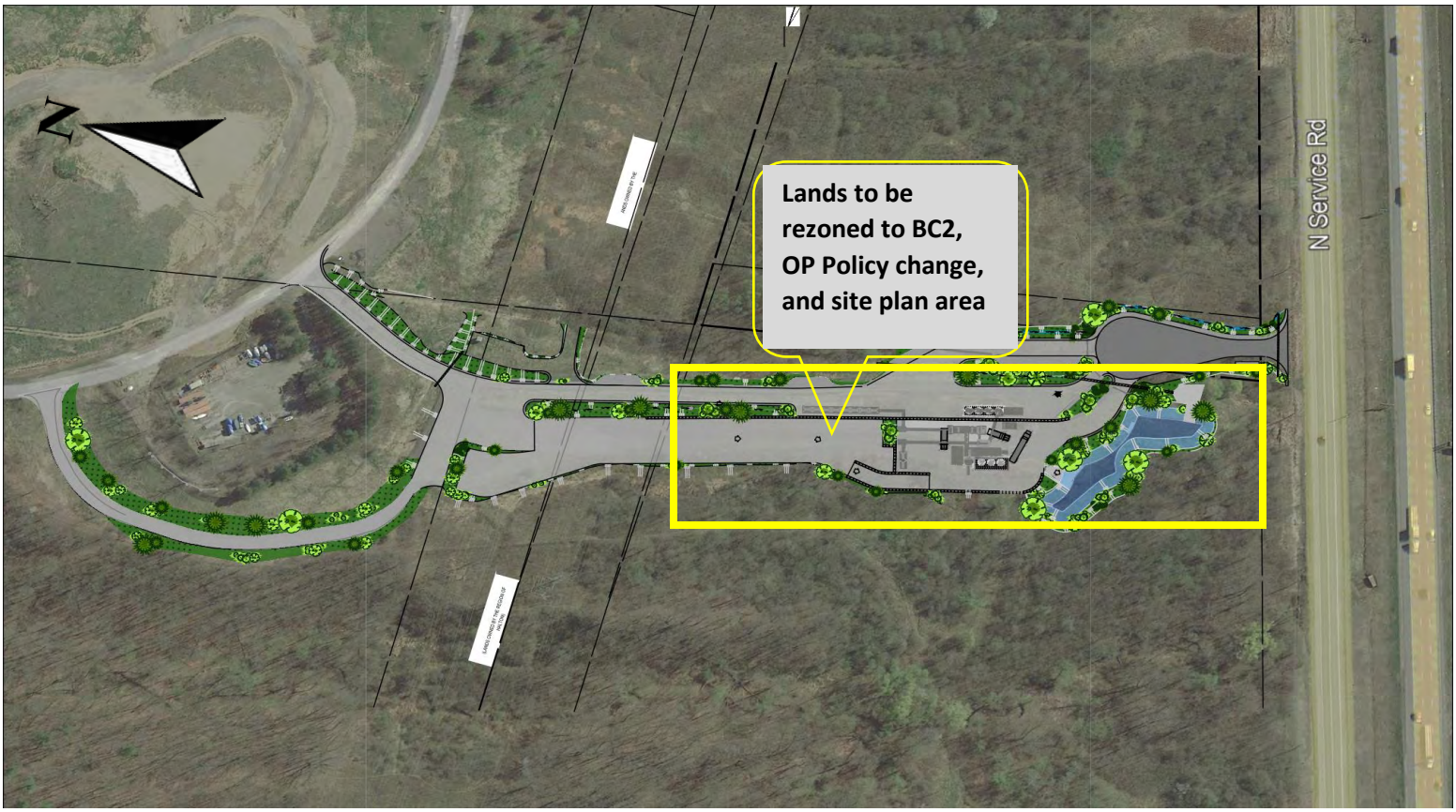
There are a few regenerating trees in the disturbed area situated between the proposed plant and the North Service Road. There is limited regenerating tree cover close to the decades-old leachate collection system that parallels the east side of the proposed plant site.

3.4 Site Context and Surrounding Land Uses

The subject lands are in the Burlington urban service area. Water, sewer, natural gas, electrical and other services are readily available to support the proposed plant. Full service connections will be constructed as part of the plant relocation project. The surrounding area is characterised as an extensive employment corridor that straddles Hwy 403. A major transit hub is situated to the southwest on the south side of Highway 403. A full interchange at Waterdown Road will provide ready truck access to the provincial and regional highway systems. The proposed new plant location will eliminate the current condition where heavy vehicles must travel along Plains Road that has

considerable residential, commercial and institutional development and bike lanes.

Figure 3 – Official Plan and Zoning Amendment Location Shown in Yellow



West: Ippolito food distribution and Cumis offices are situated to the west.

North: Rural lands and the former Halton landfill are situated to north.

East: Vacant lands and the Mercedes dealership are situated to the immediate east. A major brick plant and quarry operation are situated to the northeast.

South: Highway 403, vacant lands, GO Transit-VIA station straddle the main CN line.

3.5 Transportation and Transit

The subject lands front onto a two lane section of the North Service Road that parallels a six lane section of Highway 403. The subject isolated brownfield site is preferred location for King given its strategic location in terms of the regional

transportation network as illustrated in Figure 1. Nearby interchanges at Brant Street, Waterdown Road, and the QEW provide ready access for timely material delivery in heavy vehicles.

The subject site is not currently serviced by Burlington transit. This lack of transit is not an issue given the limited number of staff (approximately 5) that will work on site.

4 Proposed Plant Relocation and Future Development

King proposes to relocate its existing asphalt plant situated on approximately 11 hectares of land situated between Howard Road and Waterdown Road, south of Highway 403 to the 2 hectare Halton lease lands shown in Figure 2.

King's energy efficient and ultra low emissions plant uses state-of-the-art technology that allows for just-in-time continuous feed processes that reduce wait times for area contractors and municipal customers. The new plant will provide market driven quantities of regular and specialty asphalt products for area roads, highways, transit ways, and parking lots.

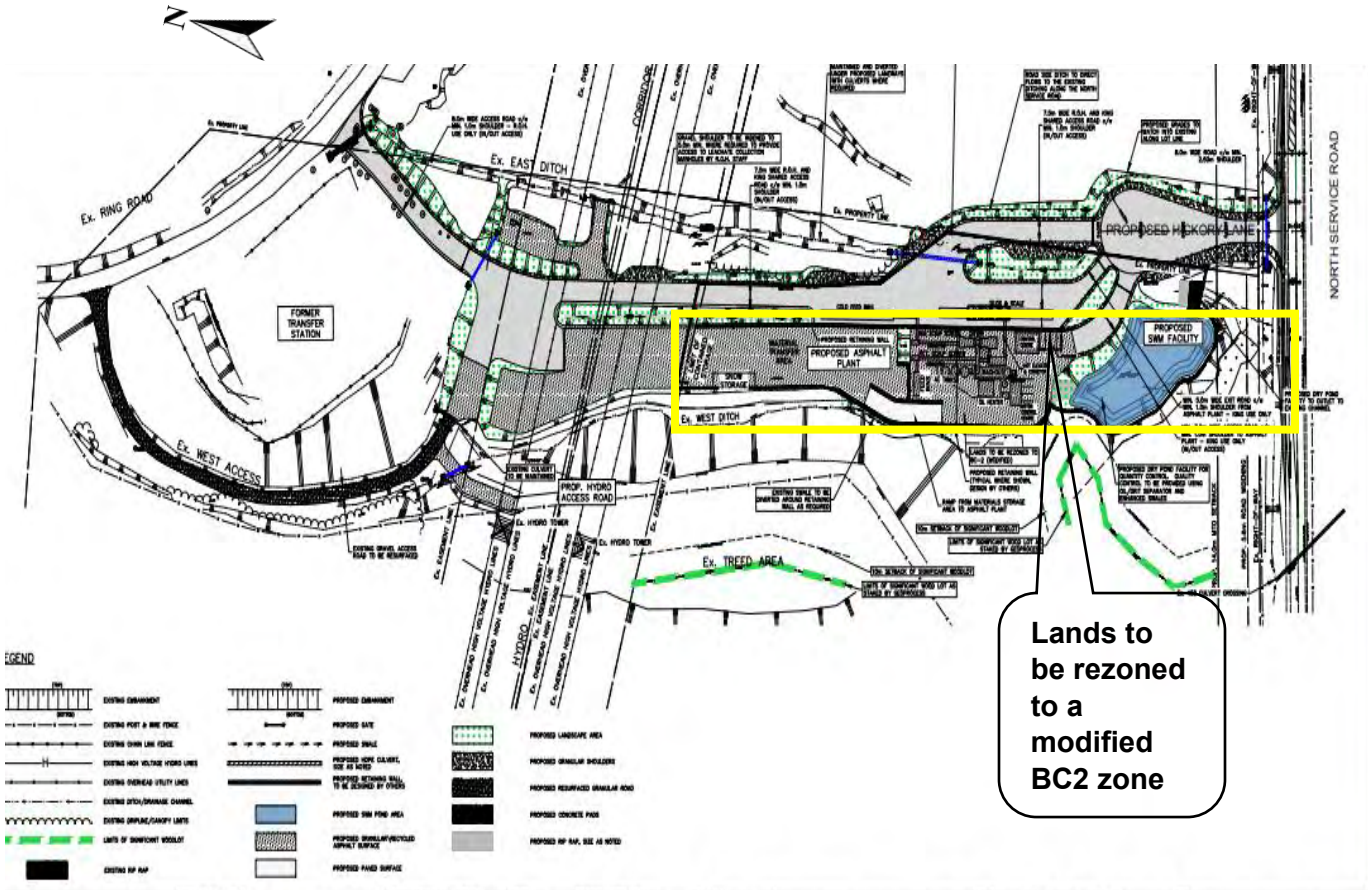
The proposed plant will allow for a significant two-thirds reduction in land needed to operate the plant and store feedstock materials.

As shown on the proposed site plan in Figure 4, the relocated plant will consist of a few silos and a heated rotary drum where aggregates are mixed with asphaltic materials stored in bins on site. A modest sized, fully serviced 232 m2 building will accommodate staff and the control equipment required to operate the continuous asphalt batching and loading.

Strict environmental controls will be put in place to avoid any spills of asphaltic products and feedstocks to protect the local environment. Depending on the asphalt mix being ordered, asphaltic materials represent about 5% of the finished asphalt product. Dust and emissions from the heating process will be strictly controlled. King prides itself in operating its existing plant on Howard Road well within Ministry guidelines and will continue to do so at the Halton landfill location.

Vehicular access to the gated plant will be gained via a new proposed gravel access lane along the east side of the plant that extends northerly to the existing landfill site. King has agreed to build the new Halton landfill access road as part of its lease arrangement. Gates will be placed to ensure continued security of the closed Halton landfill and the King plant while allowing for emergency access by Hydro One to service its transmission towers and power lines.

Figure 4 – King Asphalt Plant Site Plan – Revised May 2024



A new left hand turn lane will be constructed by King on the North Service Road to ensure that the asphalt plant and landfill related eastbound turning movements are safe for the travelling public thus preventing traffic turn movement difficulties and related traffic back-ups.

5 Description of Planning Applications

5.1 Burlington Official Plan Amendment Application

The City has determined that an Official Plan amendment application must be made to the City's Business Corridor and other policies permit the proposed asphalt plant, which is largely comprised of a few silos and a modest control building, loading structures, and contained aggregate storage areas. The Official Plan requires that studies be undertaken to ensure that the natural environment is protected. The Burlington Official Plan contains policies requiring confirmation of the protection of the Niagara Escarpment viewshed before final zoning permissions are granted. The purpose of the Official Plan amendment application is to request the changes identified by staff to allow the proposed asphalt plant, associated structures, and storage bins. The Official Plan amendment affects the area shown in yellow highlight in Figure 3.

5.2 Burlington Zoning By-law Amendment Application

The subject lands are currently zoned under a holding designation called H-BC2 in By-law 2020. No development can take place until the holding designation is removed through a zoning amendment application. While similar uses are allowed under the base Business Corridor BC2 zoning of the subject lands, there is no specific mention of an asphalt plant. The purpose of the rezoning application is to rezone the lease portion of the former Halton landfill site to allow the relocation of the asphalt plant to proceed. The application proposes a rezoning to a modified BC2 zone with an exception number to permit an asphalt plant and related structures and storage on the approved lease area of the closed Halton landfill site. The zoning amendment affects the area shown in yellow in Figure 4.

5.3 Site Plan Approval Application

An application for site plan approval as shown in Figure 4 is required. Site Plan approval and development agreements with the City are required prior to building permits being issued, and development taking place. A highly detailed site plan has been developed and refined in support of the proposed Official Plan and Zoning amendments. Over the past year, further environmental work has influenced revisions to the site plan, including the location and configuration of the stormwater pond. The latest proposed site plan provides maximum environmental protection while providing for the closed landfill operational needs of the Region of Halton. The intent is to submit the site plan approval application to the City when the Official Plan and rezoning applications are entering final approval stages.

5.4 Special Case for Urgent Co-processing of All King Development Applications

Since the required site plans and supporting studies have been prepared as part of the Official Plan and Zoning By-law amendment applications, King is asking that all three development applications, including site plan approval, be processed concurrently for the following reasons:

- ✓ Detailed site plan and related justifications are being provided as per the City's preconsultation process.
- ✓ King must vacate most of its existing premises in the Aldershot MTSA transit hub located between Waterdown Road and Howard Road as soon as possible to allow the transit oriented urban intensification to occur. Delays have caused King to negotiate an extension to its arrangements with a major developer.
- ✓ King intends to relocate its asphalt plant to the Halton site during the winter months of 2024-2025 when the plant is normally closed and thus requires all approvals be processed concurrently.

6 Supporting Studies and Materials

6.1 Preconsultation

Two pre-application consultations were undertaken on April 17, 2019, and October 11, 2021, with City of Burlington, Region of Halton, and Conservation Halton staff to determine the required applications, studies, plans, and other documentation in support of the King asphalt plant relocation applications. The following provides a summary of the accompanying studies and reports that we have considered in preparing this planning justification report.

6.2 Survey

MNP Land Surveyors and Mappers OLS has completed a survey for the King lease area. The lease is a strata lease meaning that King is only leasing the surface of the subject site. The City of Burlington's road widening requirements must be satisfied by the Region of Halton, which owns the subject lands.

6.3 Archeological Report

ASI completed a Stage 1 Archaeological Assessment of the site and concluded that:

"The background review concluded that the presence of any intact archaeological deposits within the project area was essentially nil due its past

use as a landfill site and subsequent large-scale ground disturbing activities. The Stage 1 property inspection confirmed that the entire project area has no remaining archaeological potential due to modern large-scale landscape alterations, grading, and installation of subsurface infrastructure."

6.4 Stormwater, Water, and Wastewater Functional Servicing Report

S. Llewellyn & Associates, King's project engineer, confirmed that the subject lands are serviced by water and sewer services. The consultant concluded that: "The required Stormwater Management Criteria can be achieved for the proposed site. The site can be serviced by the extension of the existing sanitary sewers on the North Service Road but, further capacity analysis of the wastewater system is required by the Region of Halton to confirm capacity exists for this development. Water servicing is available via the existing 300 mm diameter watermain".

The Environmental Impact Analysis was updated in May 2024 to reflect discussions with Halton staff and Halton's peer review consultants. S. Llewellyn & Associates subsequently revised the site plan and stormwater management pond configuration in 2024 to reflect the recommendations in the updated EIA. See Figure 4.

The proposed asphalt plant will use relatively little water and sewer capacity given that the plant will operate for three seasons (the plant will be closed during winter months) owing to a limited number of staff.

6.5 Hydrogeology

Landtek provided an environmental opinion letter in which they reviewed geological and hydrogeological aspects of the site and concluded that the site is suitable for the intended asphalt plant use.

6.6 Noise and Vibration Feasibility Study

A Noise and Vibration Feasibility Study was undertaken by Howe Gastmeier and Chapnick Limited. The study examined impacts on neighbouring buildings and other uses. GHC concluded that the proposed asphalt plant operations "will comply with the applicable MECP sound level limits at all neighbouring points of reception without any special noise control measures" (and that) "the facility will also comply with the applicable vibration limits of the MECP".

6.7 Top of Bank Demarcation, Slope Stability + Erosion and Geomorphic Study

Landtek, GeoProcess, and S. Llewellyn & Associates consultants addressed top of bank demarcation, erosion, geomorphology and soil stability. The subject

property was visited many times by City and Regional officials, Conservation Authority staff, and the many consultants involved in this project. The consulting team concluded that the proposed asphalt plant location atop a rockfill section of the closed Halton landfill site is acceptable from an environmental and stormwater management perspective.

6.8 Geotechnical Report

Landtek Consulting Engineers undertook a borehole analysis and has made recommendations for construction of the proposed asphalt plant consistent with the Ontario Building Code and engineering best practices. King's proposed buildings and structures will be constructed in accordance with Landtek's geotechnical recommendations.

6.9 Environmental Impact Assessment (2024 update)

GeoProcess Research Associates Inc. (GeoProcess) conducted a thorough multi-season Environmental Impact Assessment (EIA) of the proposed asphalt plant site and associated access points. Floristic studies, tree inventories, breeding bird surveys, amphibian surveys, incidental wildlife, and bat snag surveys were completed. Biophysical inventories were undertaken regarding the historical use of the subject lands, watercourse characterization, nearby wetlands, and hydrological features. Ultimately, the updated EIA significantly influenced the location of the asphalt plant and access road, as well as setting out ideas for protecting or enhancing the Natural Heritage System (NHS). GeoProcess identified the following benefits of locating the King asphalt plant on the former Halton landfill site:

- ✓ No impacts predicted to Significant Woodlands or wetlands
- ✓ No impacts to Species at Risk
- ✓ No impacts to habitat supporting Significant Wildlife Habitat
- ✓ Appropriate setbacks from natural heritage features are provided
- ✓ No impacts to the Regional Natural Heritage System
- ✓ No surface water quantity or quality impacts to Falcon Creek from site runoff
- ✓ Provides mitigation measures to enhance the existing surrounding natural heritage system through native plantings and an invasive species management plan
- ✓ Allows the City of Burlington to advance planning and development goals for South Aldershot, including the construction of a critically important transit hub
- ✓ Moves the asphalt plant away from Aldershot's residential neighbourhoods

- ✓ Eliminates asphalt truck related traffic from Waterdown Road and Plains Road east and west in Aldershot
- ✓ Relocates the asphalt plant to an exiting brownfield site that otherwise has very limited development potential
- ✓ Allows King Paving to build what will be Canada's most high-tech and efficient plant not far from its Burlington based head office. The new plant will have a much smaller footprint and will use less energy

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6.10 Annual Landfill Assessment

WSP completes comprehensive reports annually on the closed Halton landfill site per Ministry of Environment and Climate Change (MOECP) requirements. WSP reports on the closed landfill are readily available. The findings of the WSP reports indicate that there are no impediments to locating the proposed asphalt plant on the closed ancillary rock fill area, south of the closed landfill.

6.11 Environmental Site Screening Assessment

Landtec Consulting Engineers attended the subject lands and completed the Environmental Site Screening questionnaire and found the site suitable for its intended asphalt plant use.

6.12 Sustainable Building and Development Guidelines Checklist

A completed checklist has been included with the application which demonstrates compliance with the City's sustainability goals.

6.13 Construction and Mobility Management Plan

The proposed state of the art plant is relatively easy to relocate from its present site on Howard Road. The equipment can be easily disassembled, relocated, and reassembled on site in a short period of time.

6.14 Waste Management Plan

The proposed asphalt plant will make excellent use of resources with little to no waste. Given the limited number of staff on site (approximately 5 to 10 staff), there will be little staff generated waste.

6.15 Methane, Leachate and Proposed Use Compatibility Analysis

Landtek Consulting engineers reviewed the annual WSP reports identified in Section 6.9. Landtec has provided an opinion by a Qualified Person as defined by O.Reg. 153/04 concerning the proposed asphalt plant operation and the potential impact of methane migration from the closed landfill to the north of the

proposed plant. Landtek concluded that “Methane gas/combustible gas are not considered to have an impact on the proposed buildings that will be constructed adjacent to North Service Road. Methane gas should continue to be monitored on southeastern boundaries and within the proposed development. King is committed to ensuring that methane gas will be closely monitored throughout its operations on the Halton site to ensure staff, customer, and plant safety.

6.16 Hydro One

King Paving has been in regular contact with Hydro One. Hydro One does not have an exclusive right-of-way across the north part of the subject lands. Rather, hydro lines traverse the south part of the Halton landfill pursuant to an easement with the Region of Halton. There are no plans to store plant feedstock materials on the Halton lands beneath the hydro lines. Hydro One has no objection to the proposed asphalt plant south of its towers and power lines. Hydro One’s main goal is to ensure ready access to its towers and power lines. Halton’s new Hickory Lane, that is being constructed as part of the project, will provide such ready access to Hydro One overhead facilities. Nothing in the King site plan will impede Hydro One from accessing their transmission facilities.

6.17 Draft Reference Plan Showing Right-of-Way Dedication

A draft reference plan showing the dedication of approximately 5 m of land from the Region of Halton to bring the North Service Road to its deemed width of 30 m is provided by MNP Land Surveyors and Mappers OLS. Note: Any road widening related land dedication will have to be made by the Region of Halton which owns 291 North Service Road to the City of Burlington.

6.18 Title Search and PIN Report

The subject lands are owned by the Region of Halton. King Paving intends to lease 2.4 hectares from Halton. Halton council has approved the lease arrangement. Available agreements and ownership related information have been provided with these development applications.

6.19 Preapplication Public Consultation Report

A report on the outcome of the January 20, 2022, preapplication public consultation is included in the development application submission package. King responded to all questions and has followed up with persons who raised concerns or requested further information.

6.20 Viewshed Analysis

Adesso Design completed two viewshed analyses in accordance with the Burlington Official Plan Business Corridor policies. The most recent updated viewshed study prepared in 2023 was requested by the Niagara Escarpment Commission that doubled the viewshed analysis to a 1 km radius. Both studies considered the visibility of the proposed plant taking into consideration the King site plan, landscaping plan, and proposed silo heights. The proposed plant will be substantially screened from view by existing and proposed heavy vegetation. The viewshed study concludes that the King asphalt plant is well screened from Hwy 403 and area to the south and will not interfere with the view of the Niagara Escarpment. The existing landfill and vegetation will screen the King plant when viewed from atop the Niagara Escarpment. Several tree saving, enhancement, and mitigation measures are recommended and agreed to by King to protect the natural environment. Latest proposed plant grading changes will lower the apparent height of the plant by a further 2 metres.

6.21 Traffic Study

Paradigm Transportation Solutions Limited undertook a through investigation of the traffic related aspects of the proposed asphalt plant operations as well as existing landfill maintenance and ancillary traffic movements involving the closed landfill. Paradigm concluded that the proposed asphalt plant can proceed provided that a new, eastbound turn lane is added to the north Service Road. Paradigm recommended some signal timing adjustments at Waterdown Road – North Service Road intersection to facilitate traffic movements.

6.22 Tree Inventory and Landscaping Enhancement

GeoProcess conducted an extensive tree inventory and made recommendations to protect and enhance existing vegetation to the maximum possible degree, considering the need for ready access to the underground leachate collection facilities. The updated 2024 GeoProcess report recommends the addition of 105 trees and shrubs and the removal of nearby invasive species per recent discussions with Halton staff and their environmental peer review consultant. King agrees to undertake the plantings and invasive species control measures at its expense.

7 Planning Policy Framework and Analysis

The following sections outline the applicable planning policy regime and evaluation of the proposed development in the context of the planning framework.

The following policies have been considered: Growth Plan for the Greater Golden Horseshoe 2020, Provincial Policy Statement (2020), Greenbelt Plan 2017, Halton Region Official Plan OPA 48 as amended and draft OPA 49, Parkway Belt West Plan 1978, the City of Burlington Official Plan and draft Burlington Official Plan update, and the City of Burlington Zoning By-law 2020.

7.1 Provincial Planning Policies

7.1.1 A Place to Grow 2020 – Growth Plan for the Greater Golden Horseshoe (GGH)

Burlington is situated in the Greater Golden Horseshoe (GGH). Ontario's GGH vision is to plan for significant growth in the GGH over the next 30 years to 14.8 million people and 7 million jobs that "will be supported by modern, well-maintained, sustainable, and resilient *infrastructure* built in accordance with a broad plan for managing growth". King Paving has been a key contributor to Ontario's quality infrastructure for almost 100 years and has been involved in major projects including the construction of the QEW and Hwy 403 and well as countless local and arterial roads that support vehicles, goods movement, and on road transit services.

The King Paving applications are consistent with the GGH growth plan guiding principles that: "provide certainty for traditional industries… protect and enhance natural heritage, hydrologic, and landform features and functions. The King applications also support the goal of "supporting a robust economy with many different job opportunities".

Upon receiving approval, King plans to vacate its current location situated between Howard Road and King Road immediately west of the Aldershot GO and VIA stations. Approval of the King applications will in turn facilitate achievement of other critical municipal growth plan objectives in terms of housing and employment intensification adjacent to a major transit station hub.

The GGH plan has specific requirements under S. 4.2.2 Natural Heritage System. The subject lands have been designated for urban settlement for several decades. The GeoProcess report accompanying the King application confirms that the application complies with the growth plan criteria. The Growth Plan requires that development comply with Provincial Policy Statements (PPS) as set out in Section 7.1.2 below.

We are of the opinion that the King applications comply with the Growth Plan for the Greater Golden Horseshoe.

7.1.2 Provincial Policy Statement (PPS) 2020

The PPS encourages redevelopment and intensification. The King applications represent a double policy achievement win. The King applications call for the redevelopment and reuse of a portion of the closed Halton landfill site. Once the King plant relocates from its current premises on Waterdown and Howard, King's soon-to-be vacated grey field site will then be open to intense, transit supportive, employment, commercial, and residential development.

Section 1.3 of the PPS promotes economic development and competitiveness that support local businesses. King Paving is relied upon by many private contractors and to provide a ready supply of quality asphalt products to support various forms of development and to keep area roadways, parking areas, and transitways in a state of good repair.

Section 2.1 of the PPS calls for the protection of natural features and areas in the long term. Section 2.1.4 of the PPS states that development and site alteration shall not be permitted in significant wetlands. Section 2.1.5 states that development and site alteration shall not be permitted in significant woodlands, valley lands, wildlife habit, ANSIs unless it has been demonstrated that there will be no negative impact on the natural features or their ecological functions.

The updated EIA conducted by GeoProcess concludes that the King asphalt plant will have minimal environmental impacts on important features in the vicinity of the site. Mitigation and enhancement measures are recommended in the GeoProcess report and are fully agreed to King.

Section 2.6 of the PPS calls for the protection of cultural heritage and archaeology. ASI consultants have determined through historic research and recent site visits, that the subject site does not have cultural or archaeological significance given that it was highly disturbed and filled as apart of a former landfill operation.

We are of the opinion that the King applications comply with the Provincial Policy Statements.

7.1.3 Parkway Belt West Plan

The Parkway Belt West Plan was originally put in place in 1978 to create urban separators and utility and transportation corridors. The Parkway Belt West Plan has been amended several times over the years. At the time of writing this report, the Province of Ontario is actively considering revocation of the Parkway Belt West Plan 1978 (consultation closed on December 30. 2022).

The 2022 Parkway Belt West Plan Map excludes the lands which are subject of the King applications.

The Parkway Belt West Plan does not apply to the Halton Council approved King lease area involving the very southerly reaches of the closed Halton landfill site, south of the Hydro One easement.

7.1.4 Green Belt Plan 2017

The Greenbelt Plan was originally enacted in 2005 and has since been updated in 2017. The Halton Council approved lease area for the King Plant lies south of the Parkway Belt West lands. The Greenbelt Plan policies and principles are being respected by the proposed King plan at 291 North Service Road.

The Greenbelt Plan includes policies that protect the agricultural land base and the associated ecological and hydrological features and functions within the Greater Golden Horseshoe. Lands included in the Greenbelt Area are defined by O. Reg 59/05. A portion of the subject lands is within the Greenbelt Plan Area and are designated as “Protected Countryside”, overlayed by natural heritage system.

Section 3.2.5 of the Greenbelt Plan directs that in the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum vegetation protection zone shall be 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

Sections 4.2 of the Greenbelt Plan contain policies relating to stormwater management and resilient infrastructure. Section 4.2.2 requires that the *Planning, design and construction practices shall minimize, wherever possible, the negative impacts on and disturbance of the existing landscape.* The proposed relocation of Hickory Lane and access to the King plant take place on existing driveways and an existing gravel access pad.

Section 4.2.3 of the Greenbelt Plan prohibits stormwater management facilities in key natural heritage features and vegetation protection zones. The revised King plan includes a reconfigured SWM pond that complies with this policy it will not affect key natural heritage features as demonstrated in the updated GeoProcess report.

The updated EIA study undertaken by GeoProcess assesses significant woodlands and provincially significant wetlands in the area. The studies accompanying these applications demonstrate that the subject lands are rockfill and are well removed from priority natural features such as Falcon Creek that is situated 120 m east of the proposed asphalt plant.

We are of the opinion that, that the proposed asphalt plant is permitted on the Halton landfill site under the Greenbelt Plan based on extensive studies that accompany the King applications.

7.2 Region of Halton Official Plan Conformity

7.2.1 ROPA 49

On June 15, 2022, Regional Council adopted Regional Official Plan Amendment No. 49 (ROPA 49) as part of the Municipal Comprehensive Review. This amendment is made under Section 26 of the *Planning Act*, R.S.O. 1990. ROPA 49 was approved by the Minister of Municipal Affairs and Housing on November 4, 2022.

The subject King lease area is situated within the Halton Urban Area designation that permits urban development. The land use designation under ROPA 49 is "Employment Area" shown on ROPA 49 Map 1C which permits the proposed asphalt plant.

The Natural Heritage System (NHS) overlay mapping designates the subject lease area as "NHS Key Component" which requires further study to ground truth the site and investigate the precise nature of valued natural heritage features. The purpose of this NHS is to ensure that the natural heritage aspects that may affect development on the subject lands are identified and provided appropriate protection measures.

As mentioned in this justification report, the subject site is human-made as part of a major landfill operation that has been closed for 3 decades. The proposed plant will sit atop a highly disturbed rockfill and gravelled area that formerly supported the landfill to the north in terms of access and weigh scales. The proposed plant will be situated 120 m east of Falcon Creek. The updated GeoProcess report that forms part of these development applications demonstrates that Falcon Creek and its associated Provincially Significant wetland complex will be protected. Limited tree removal will take place, enhanced landscaping will be provided, and invasive species will be removed. Water quality and quantity will be protected by a modest-sized stormwater detention pond. The technical studies that form part of these applications demonstrate that the proposed asphalt plant can proceed while protecting the area's natural heritage.

We are of the opinion that the proposed applications comply with the intent of draft ROPA 49.

7.2.2 Halton Official Plan ROPA 48

On July 7th, 2021, Halton Regional Council adopted Amendment No. 48 "An Amendment to Define a Regional Urban Structure" to the Halton Regional Official Plan through By-law No. 31-21. This amendment, known as ROPA 48, is the first amendment made for the Region's Municipal Comprehensive Review and Halton Regional Official Plan (ROPA) update under Section 26 of the Planning Act (1990). This amendment defines and provides direction on the regional urban structure and identifies components that include strategic growth areas (e.g., Urban Growth Centres, Major Transit Station Areas, Regional Nodes, and Employment Areas. This amendment is subject to final approval by the Minister of Municipal Affairs and Housing, which is a final decision not subject to appeal. The Province of Ontario approved ROPA 48 on November 10, 2021.

The subject lands are located within the Halton Urban Area designation in ROPA 48 Map A, which shows provincial plans and land use designations. The proposed asphalt plant will be on full municipal services.

ROPA Map C identifies the subject lands as Future Strategic Employment area. The proposed asphalt plant complies with the intent of this policy direction.

ROPA Map 1H Key Features within Greenbelt and Regional Natural Heritage system shows the subject lands as Urban Area, which permits the proposed asphalt plant.

ROPA 48 Map 1H designates the subject lands as Employment. The proposed King Plant complies with the employment designation and policies.

ROPA 48 Map 3 Functional Plan of Major Transportation Facilities shows the existing King asphalt plant immediately west of the Aldershot GO and Via stations. ROPA 48 Map 6 D Aldershot GO MTSA shows that the entire existing King Plant operation is in a priority area for transit supportive, high intensity residential and employment growth. Approval of the King applications to relocate its plant to the former landfill site lands will accelerate fulfillment of Halton's major transit station goals and the reuse of the brownfield site.

Natural Heritage Policy 114.1 reads: "*To maintain the most natural Escarpment features, stream valleys, wetlands and related significant natural areas and associated Cultural Heritage Resources"*. The King proposal complies with this policy as demonstrated in the updated GeoProcess and ASI Cultural Heritage reports.

Natural Heritage Policy 115.3 reads: "*The Regional Natural Heritage System is a systems approach to protecting and enhancing natural features and functions and is scientifically structured on the basis of the following components: (1) Key*

Features, which include: a) significant habitat of endangered and threatened species, b) significant wetlands, c) significant coastal wetlands, d) significant woodlands, e) significant valley lands, f) significant wildlife habitat, g) significant areas of natural and scientific interest, h) fish habitat, Key Features that have been identified are shown on Map 1G. (2) enhancements to the Key Features including Centres for Biodiversity, (3) linkages, (4) buffers, (5) watercourses that are within a Conservation Authority Regulated area"… (6) wetlands". The updated Geo Process report addresses all these matters. Halton staff asked King to address certain policy matters to ensure ROP compliance. King's responses to the detailed questions follow this ROP policy summary.

ROPA 48 ECONOMIC DEVELOPMENT Policy 168 sets out the goal for economic development which "is to achieve sustainable economic prosperity for Halton on the basis of its competitive location, innovative businesses, skilled labour force, high quality infrastructure, sustainable natural resources, a positive business environment, and a diversified economic base". Retaining the 200 employee King operation that has served Halton for almost 100 years is a regional economic policy priority.

Brownfield Sites as defined in ROP Section 220.1 *"means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be under-utilized, derelict or vacant".* The closed regional landfill site is considered a brownfield and therefore warrants special consideration in approvals to bring this land to productive use, consistent with good planning and environmental practise.

Buffers are defined in ROP Section 220.1.1 as "*an area of land located adjacent to Key Features or watercourses and usually bordering lands that are subject to development or site alteration. The purpose of the buffer is to protect the features and ecological functions of the Regional Natural Heritage System by mitigating impacts of the proposed development or site alteration".* The GeoProcess report and recommendations deals with buffers as defined by Halton.

Significant Woodland ROP Section 277 defines significant woodlands as being a minimum of .5 ha in area. Significant woodlands are not located on the footprint of the King lease area.

Halton staff requested that King provide further information to confirm compliance with Halton's Natural Heritage System RNHS policies. GeoProcess met with Halton Planning staff and their peer review consultant on-site to delineate the Significant Woodland on February 6, 2024. As a result, revisions were made to realign the stormwater pond outside of the woodland and its 10 m setback, and an agreement was reached on buffering and native plantings. An agreement was also reached on King

removing invasive species on Halton lands beyond its lease area to improve the natural heritage of the area.

The following summarizes King's responses and changes made to the EIA and site plan (Fig 4) to address Halton staff's inquiries raised in their letter dated Dec 5, 2023, and during a follow-up meeting held in early 2024:

- The EIA has been updated to reflect the new site plan. Natural Heritage System Limits were confirmed and staked in the field on February 6, 2024. The updated stormwater management facility lies beyond the dripline and the 10 m vegetation protection zone (VPZ) for the woodlot and previously staked wetlands
- Section 2.1.4 and 12 of the updated GeoProcess EIA have been revised to demonstrate compliance with Sections 4.2.2.3 a) iv and vi of the Growth Plan.
- Figures showing EIA study area boundaries have been updated in the final GeoProcess EIA. GeoProcess has shared the shape files mapping as requested by Halton staff.
- Section 2.1.6 of the updated EIA assesses conformity with RHNS policies.
- EIA Figures have been updated to show applicable constraints and buffers.
- The GeoProcess report confirms that there is no fish habitat within the footprint of the proposed development, or immediately adjacent to the development. The EIA also confirms that there is no habitat for threatened or endangered species within the development footprint. Section 6 of the updated EIA includes results of the significant wildlife habitat assessment.
- Woodland staking was completed with the Region of Halton on July 29, 2020, and the dripline staking to the south of the proposed development was completed on February 6, 2024.
- Section 11.2.1 of the updated EIA requires a monitoring plan that King agrees to implement.
- An updated Species at Risk (SAR) was completed and submitted to MECP. The current site plan does not include the removal of any of the nine snag trees identified during field investigations. Significant Wildlife Habitat (SWH) for SAR bats is located outside of the proposed development. Bat Maternity Colony is associated with the protected woodland. GeoProcess is awaiting a response from MECP regarding bats.
- As part of the recent discussions regarding enhancements, Section 11 and Map 8 in the updated EIA includes enhancements such as the planting of 105 trees, shrubs, and removal of invasive species on and adjoining the development footprint. Additional enhancements have been proposed, specifically GeoProcess recommends planting black walnut to control, and ultimately replace, the buckthorn thicket west of the proposed development site. See EIA Section 11 for full details. Map 8 highlights the proposed restoration areas. King has agreed to implement the recommended enhancements.
- EIA has been revised to include a detailed biophysical analysis and assessment of development constraints. The buffers provided have been determined to be

sufficient based on the significance of the natural heritage features and functions as they relate to the study area.

- A 10 m Vegetative Protection Zone (VPZ) is included for the woodland to the west of the proposed asphalt plant. The plant is set back greater than 10 m from the eastern woodland. Staking of the woodlands to the west of the proposed asphalt plant was completed in February 2024. Staked woodlands are preserved in the site plan (Fig 4) and have been excluded from the stormwater retention facility.
- Halton's Hickory Lane replacement driveway falls within the 10 m vegetative protection zone resulting from Halton's need to rapidly access and maintain its existing landfill leachate collection infrastructure. The EIA recommends tree plantings and additional shrub plantings within the landfill property to compensate for any necessary tree removals. The updated EIA provides sufficient ecological rationale for the buffer. A discussion of buffers can be found in Section 9.1.1 of the updated EIA.
- The proposed amending zoning by-law amendment in Appendix 2 affects only the development footprint *south of the hydro easement*. Any future open space related zoning amendments affecting the Halton lands beyond the development footprint, will be at the future discretion of the Region of Halton.
- The EIA has been revised to include further discussion of the impacts of the development on the previously degraded natural heritage features and ecological functions.
- Section 11 of the EIA provides for further enhancement opportunities to mitigate impacts and should result in an overall net benefit to the natural area surrounding the development site.
- EIA Section 9.1.2. has been revised to address stormwater management (SWM). The SWM pond shown in Fig 4 will be a dry pond, vegetated with native species. These plantings will integrate the pond with the adjacent existing natural heritage communities. Once the plantings have matured, the SWM pond will function as part of the natural heritage system.
- Halton Public Works proposal to relocate Hickory Lane predated the King's proposal. The driveway shown on Fig 4 previously provided egress from the landfill site and recycling facility to the North Service Road when the landfill was in full operation. The site plan proposes reopening the original driveway access to provide direct, shared access to the closed landfill, the proposed King operation, and Hydro One infrastructure. Technically, there is no new road access when one considers the former landfill access arrangements. The gravel pad beneath the Hydro easement is part of the former landfill operation and is thus suitable for vehicle access.

In summary, the proposed King asphalt plant applications comply with Halton Official policies including land use, natural heritage, transportation, economic development. Halton Region will retain ownership of the King lease lands and will have close oversight of all activities on its property.

7.3 Burlington Official Plan 2020

Burlington's Official Plan was adopted by City Council on April 26, 2018, and approved, in part, with modifications, by Halton Region on Nov. 30, 2020. The 2020 Official Plan is not in full effect owing to several appeals. Appeals are being resolved by the Ontario Land Tribunal. Until the appeals are resolved, parts of the 1997 official plan remain in effect. The following analysis focuses on Council's most recent 2020 Official Plan policies in this planning justification analysis. The following represent key policies that have been taken into consideration in this planning justification report for the proposed King asphalt plant relocation:

7.3.1 Economic Development

The Burlington OP sets out key goals to promote economic development and competitiveness. OP Policy 5.1.1 *OBJECTIVE a) To promote economic development and competitiveness and the development of complete communities.* The OP calls for the protection of employment lands to meet the City's long-term needs. The proposed asphalt plant provides and essential construction resource for public and private roads, driveways, parking lots. The plant relocation will retain a key plant associated with a successful, 200 person operation, headquartered in Burlington and will support transit and transportation infrastructure.

7.3.2 Major Transit Station Areas

The existing King plant situated between Howard and Waterdown must be relocated to accommodate intense residential and employment redevelopment consistent with the Burlington Official Plan goal which reads:
"5.1 c) The Major Transit Station Areas shall be planned to accommodate employment uses which are compatible with sensitive land uses and contribute to the development of vibrant, mixed use and transit supportive areas."
Approval of the King applications will pave the way for the redevelopment of the existing King lands adjoining the major transit facilities per Goal 5.4.7. Approval of the King relocation applications would achieve OP Goal 5.4 by allowing intensification of a Strategic Economic Development Area.

7.3.3 Employment Policies

Official Plan Policy 8.2 Employment directs that*: "The lands identified as General Employment and Business Corridor on Schedule C: Land Use – Urban Area, of this Plan, are designated for employment uses and help the City to fulfill its obligation to ensure all types of businesses can locate and thrive in the*

city. These designations are based on a range of permitted uses, the scale and intensity of the development allowed the design standards that shall apply and the potential adverse effects of these uses on adjacent uses. A full range of manufacturing, warehousing and office uses will be permitted on lands designated for employment uses… subject to the policies of this Plan."

Policy 8.2.1 ***Employment Objectives*** *includes the following objectives which support the King Paving relocation:*

(b) To encourage, through the implementation of site plan control and urban design policies, aesthetically pleasing employment development in the city, especially along arterial streets and Provincial freeway frontages.

(e) To develop existing lands designated for employment uses in a manner that efficiently uses existing infrastructure and land.

(h) To locate manufacturing uses so as to provide convenient access to infrastructure such as rail sidings, high voltage power lines, high pressure and capacity gas lines, and critical high tech infrastructure and heavy truck roadbeds and truck routes."

7.3.4 Broad Planning Goals Opinion

King's site plan shown on Figure 4 contains landscape buffers, low profile buildings and structures, and contained aggregate storage that will have minimal visual impact.

Halton's former landfill operation took full advantage of its ready access to major local and regional road networks. Similarly, the King asphalt operation will take similar advantage of this site's superior, highly accessible location.

We are of the opinion that the King Paving plant relocation to 291 North Service Road is consistent with the City's new Official Plan broad policy goals and makes good use of a brownfield business corridor employment site that has extremely limited reuse possibilities given its former landfill use. The proposed asphalt plant site is highly accessible from local and provincial road networks as shown in Figure 1 of this report. The site is fully serviced by the natural gas, electrical, water, and sewer utilities needed to support the relocated asphalt plant operation.

7.3.5 Business Corridor Policies

The southern reaches of the former landfill site south of the hydro easement are designated Business Corridor. The policies that apply to the subject lands are:

"BUSINESS CORRIDOR DESIGNATION 8.2.4(1) OBJECTIVES

(a) To provide locations in the city for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes.
(b) To permit a wide range of employment uses including office, industrial and ancillary employment uses.
(c) To establish high design and development standards for Business Corridor lands.

8.2.4(2) BUSINESS CORRIDOR POLICIES

The following uses may be permitted within the Business Corridor designation:

(i) a broad range of office uses; industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, research and information processing, communications, utilities, and transportation uses, and service trades, provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust…"

(b) A range of building heights and development intensities shall be permitted within areas designated as Business Corridor

(d) The City will encourage the retention of existing manufacturing uses and permit a wide range of manufacturing uses at these locations."

8.2.4(3) SITE-SPECIFIC BUSINESS CORRIDOR POLICIES

"(b) 151, 201, *291* & 391 North Service Road: Development of lands designated "Business Corridor" on the north side of North Service Road, west of King Road, and identified as 151, 201, 291 North Service Road and the development of lands at 391 North Service Road, designated "City's Natural Heritage System", shall also be required to submit and implement the following:

(i) a site-specific Environmental Impact Assessment (EIA), as described in Subsection 4.2.4 of this Plan, and prepared by a qualified person, to ensure that negative impacts on the natural environment and natural heritage features and areas are minimized, through such measures as maximum impervious surface limits and setbacks from watercourses and natural features;
(ii) a viewshed study and calculation of maximum building heights to ensure views to the Escarpment are maintained to the maximum extent;
(iii) compliance with the policies of Subsection 10.3.3 of this Plan; "

7.3.6 Business Corridor Policy Analysis

City staff have identified the need for an official plan amendment to allow the proposed asphalt plant given the specific nature of the King process buildings and structures and to ground truth and assess the natural heritage features in the vicinity of the lease area. A technical case can be made that the relocated King asphalt plant is significantly consistent with the City's Business Corridor and Natural Heritage policies as demonstrated in this justification report and the accompanying technical studies by GeoProcess.

King Paving has agreed to apply for an Official Plan amendment to permit its plant to be relocated to the subject lands from the Aldershot Major Transit Station Area designated site that it currently occupies in South Aldershot.

The proposed buildings and structures will be of high quality design and finish and will operate at a very high level of environmental performance. Refer to the image on the cover of this report.

The proposed King plant is consistent with the Business Corridor and employment designations which promote a range of employment type uses to strengthen the local economy.

Adoption of the draft Official Plan Amendment that forms part of the applications will provide the policy clarity sought by City staff.

In our opinion, the proposed state of the art asphalt operation is compatible with the surrounding land uses and represents a good use of a strategically located, fully serviced, former landfill site.

7.3.7 Official Plan Map Schedules and Context References

Schedule A City System depicts the subject lands as Green System within the urban area.

Schedule A-1 City System - Provincial Land Use Plans and Designations shows the subject lands as Designated Greenfield area in the urban area.

Schedule B Urban Structure indicates the subject lands are designated Region of Halton Employment Area with adjoining Natural Heritage System and Major Parks and Open Space in Burlington's urban area.

Schedule B1 Growth Framework indicates that the subject lands are designated urban area with a Natural Heritage System and Major Parks and Open Space.

The Burlington Official Plan identifies, through overlays and designations, that the subject lands are potentially part of the City's natural heritage system subject to detailed studies. Falcon Creek, a key natural feature and watercourse is situated 120 m to the west of the plant site.

As described in this report, the subject lands on which the proposed asphalt plant site will be located are comprised of significant rockfill underlain by leachate collection services associated with the closed Halton landfill site.

The updated GeoProcess EIA and other reports supporting this application, demonstrate that this human made landscape does not contain any key natural heritage features and concludes that the lease area can be used for the proposed asphalt plant.

The proposed King Paving site plan shown in Figure 4 takes an environment first approach that will add new vegetation, remove invasives, and include a specially designed stormwater quality and quantity pond that protects key features and aquatic systems in the surrounding area.

7.3.8 North Aldershot Context Reference Policies

City staff requested that regard be had to the North Aldershot polices given that the King lease area is adjacent to, and lies south of, the North Aldershot Policy Area. The Burlington Official Plan directs that regard be had to the North Aldershot policies set out below:

10.3.3 NORTH ALDERSHOT DESIGN POLICIES

a) Consistent with the permissions granted by the land use designations on Schedule K: Land Use Policies – North Aldershot, Schedules L-1 to L-11: Sub Areas, and the policies of this Plan, all development proposals will be encouraged to preserve existing significant trees, wooded areas and hedgerows, and plant additional trees in accordance with good forestry management practices.

b) Buildings and structures shall be designed and located so as to maximize their compatibility with the existing natural landscape, minimize their effect on the open space character of the area and maintain to the maximum possible degree an uninterrupted sight line between Highway 403 and the Niagara Escarpment consistent with the permissions granted by the land use designations on Schedule K: Land Use Policies-North Aldershot, Schedules L-1 to L-11: Sub-Areas, and the policies of this Plan.

c) Regard shall be had for the visual and physical harmony of the location of buildings and the design and location of roads with the existing natural features.

d) Site design shall be compatible with and enhance the special setting provided by the Niagara Escarpment, Grindstone Creek and Sassafras Woods.

e) Site layout shall preserve key viewsheds from existing roads, such as views to the brow of the Niagara Escarpment, Burlington Bay, Hamilton, and Lake Ontario.

f) Views generally to the open landscape setting, including creek and stream valleys and associated vegetation, shall be provided.

g) Site design and location of buildings shall permit views between buildings.

h) Intensification along existing roads shall permit views into the open landscape setting.

i) Site planning shall encourage and support the preservation, restoration, and enhancement of existing cultural heritage resources such as identified homesteads and their associated landscapes.

j) The massing and location of adjacent development should be compatible with built heritage resources in order to establish a sense of visual continuity and compatible building scale.

k) Site design shall be compatible with both the open space character and the predominant settlement characteristics of the area. l) Lots should not be uniform in size and shape across North Aldershot.

m) To ensure that valleys are protected, adjacent development shall be located in such a manner as to have adequate setbacks from the lot line.

n) Existing degraded drainage channels, declining plantations and remnant vegetation areas are encouraged where possible to be rehabilitated.

o) To ensure that passive storm water drainage techniques can be applied, the number of housing units that have lot lines bordering existing drainage channels, creeks and valleys shall be maximized.

p) The density, massing, form, setback and layout of the new development shall be compatible with the surrounding structures.

q) Building location shall integrate with the existing topography.

r) Building materials shall blend and harmonize with the natural landscape setting. Where practical, earth tones and natural materials such as stone, wood siding and clay brick shall be encouraged.

7.3.9 North Aldershot Policy Context Analysis

The proposed King operation is situated in the City's urban area adjoining the North Aldershot area as shown on City System Schedule A-1. The proposed King Paving asphalt plant will respect the unique characteristics of the adjoining North Aldershot Planning area. To this policy end, the proposed plant will not interfere with any sensitive land uses or key natural features, nor will it create any risk to the public or nearby business neighbours.

As set out in the technical reports accompanying these applications, the plant will be established on a human made rockfill and granular feature and will not impinge on nearby natural heritage features to the maximum degree. New stormwater quality and quantity facilities will be put in place to protect the aquatic environment. The updated visual impact analysis demonstrates that the proposed plant will be well set back from the North Service Road and QEW and that the buildings and structures will not impede the view to the Niagara Escarpment. King's plant and buildings will blend in with the area and will be buffered by new tree planting.

7.4 Burlington Official Plan 1997 (Dec 2019 Office Consolidation)

The Burlington Official Plan, 1997, was approved by Halton Region, with modifications, on March 5, 1997. Due to several appeals, certain parts of the plan were referred to the Ontario Land Tribunal (formerly the Ontario Municipal Board) for a decision. The following Official Plan documents were approved by the Ontario Land Tribunal in 2008.

7.4.1 Employment Lands

Schedule A - Settlement Pattern identifies the subject land as Employment Lands which according to Part III Section 3 are the main locations "where industrial activities will occur". Employment principle 3.1 is to "Strengthen employment and economic base".

Principle 3.1.a) reads: "Burlington's employment and economic base shall be strengthened by providing a municipal environment that encourages the establishment, retention and expansion of businesses and institutions."

Principle 3.1 d) Employment activities shall develop and operate in a fashion that is compatible with other land uses…

3.1.e) A full range of industrial/manufacturing and office uses, and related services shall be permitted in Employment Lands.
The proposed asphalt plant is consistent with the City's broad employment goals and principles.

7.4.2 Business Corridor

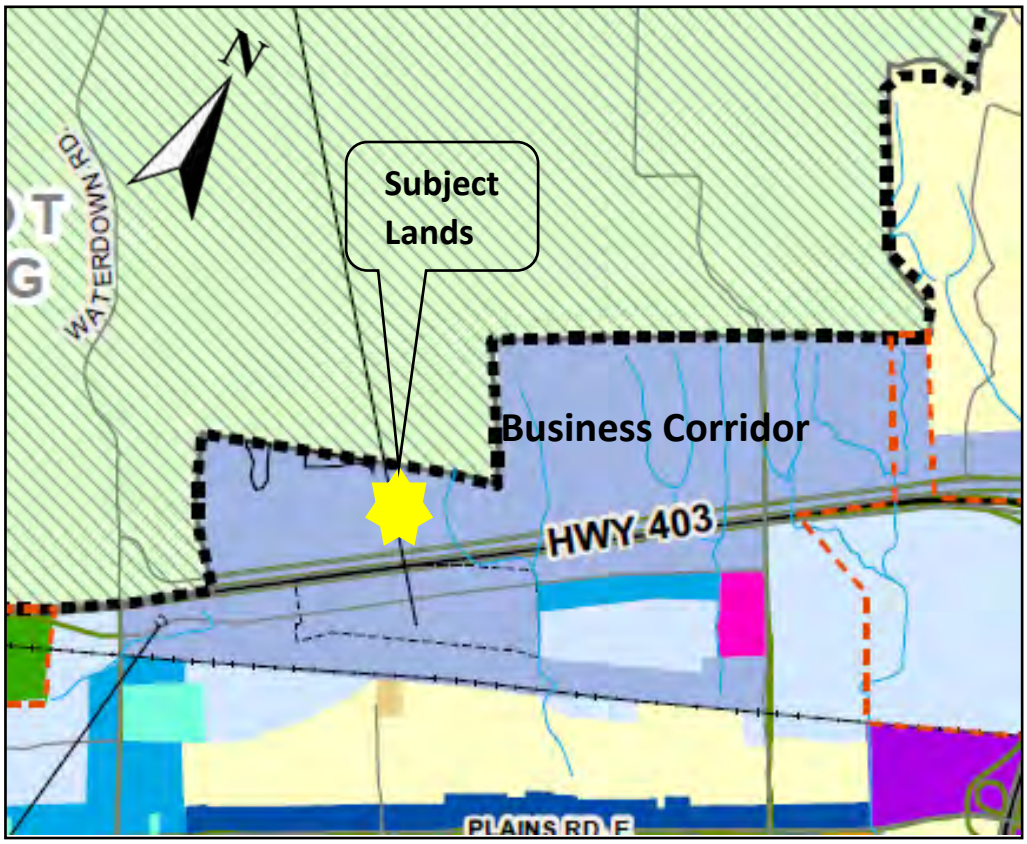
The subject lands are designated Business Corridor on Schedule B and are situated in the Urban Area. Part III Section 3.4.1 sets out the objectives for the properties designated Business Corridor. See Figure 5 below. The relevant objectives of this designation are:

a) To provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes.

b) To permit a wide range of employment uses including office, industrial and related uses. Design and development standards c) To establish high design and development standards…"

Part III Section 3.4.2 a) i General Polices sets out uses permitted uses under the Business Corridor designation: "a broad range of office uses; industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, research and information processing, communications, utilities and transportation uses, and service trades, provided these uses are located within an enclosed building and are unlikely to cause significant pollution or excessive noise…"

Figure 5 City of Burlington Official Plan Schedule A – Subject Lands



Part III 3.4.3 Site Specific Policies North Side of North Service Road

a) In addition to the other policies of this Plan, on the lands on the north side of the North Service Road, west of the hydro corridor east of King Road, lower intensity development will be permitted subject to the following:

(i) the open-space character of the area is to be maintained to the maximum possible degree;

(ii) outside storage of goods and materials is prohibited;

(iii) all uses except parking to be enclosed;

(iv) parking facilities to be landscaped and screened;

(v) landscaping, tree planting and berms to be provided within landscape areas abutting North Service Road and King Road;

(vi) wooded areas, hedgerows and trees to be protected to the maximum possible degree;

(vii) a maximum impervious coverage of 40 per cent shall be provided for lots which generally front the North Service Road…"
b) Development or re-development of lands designated "Business Corridor" on the north side of North Service Road west of King Road, will also be required to undertake the following:

(i) a site-specific Environmental Impact Assessment as described in Part II, Section 2.5 of this Plan to ensure that impacts on the natural environment are minimized through maximum impervious surface limits and setbacks from watercourses and natural features.
(ii) a viewshed study and calculate maximum building heights to ensure views to the escarpment are maintained to the maximum extent;
(iii) comply with the criteria of Part V, Section 2.4, Design, of this Plan.

7.4.3 Planning Opinion and Recommended Official Plan Amendment

In our opinion, the proposed asphalt plant represents an industrial use that contributes to Burlington's economy. Relocation of the asphalt plant from its current site to the subject lands retains an essential part of a 200 person operation based in Burlington. The proposed site plan is consistent with the City's broad employment goals. The viewshed and other technical studies that form part of these applications demonstrate that and meets the proposed use is a compatible reuse of the former landfill operation.

The proposed official plan amendment will simply add wording to the current official plan that expressly permits an asphalt plant on the subject lands with outdoor storage.

The proposed official plan amendment is contained in Appendix A attached to this report. The proposed amendment would specifically allow an asphalt plant with open storage consistent with the supporting technical studies accompanying the King Paving applications.

7.4.4 Waste Disposal Sites

Official Plan Functional Policy Part II Section 2.9 reads: “Waste Disposal Sites

a) The City of Burlington, in consultation with the Ministry of the Environment, may permit development on and within 500 m of areas identified as former Waste Disposal Sites on Schedules B and D, subject to the following policies: (i) written approval has been received from the Ministry of Environment that the development satisfies the provisions of The Environmental Protection Act; (ii) studies have been carried out to the satisfaction of the City and the Ministry of Environment to show that development is compatible and can safely take place…”

The proposed King asphalt plant lease area is situated within 500 m of the landfill cells in the closed Halton Landfill site. The environmental and geotechnical studies appended to the King Paving applications demonstrate that the proposed development situated south of the former Halton landfill operation can be safely developed for an asphalt plant.

8 City of Burlington Comprehensive Zoning By-law 2020 and Recommended Modified BC2 Zoning

The subject lands located entirely south of the Hydro easement are zoned H-BC2. The base BC2 zone allows a wide range of industrial and other employment uses subject to certain restrictions. For example, the base BC2 zone allows non-metallic mineral production industries as well as general manufacturing, processing, and fabricating. The Holding H zone prefix is in place to ensure that technical studies are completed prior to development. The King application provides full justification supported by technical studies.

Halton Council approved a lease with King Paving for the asphalt plant in 2021. For this reason, King is only applying for the asphalt plant use on the leased lands comprised of rockfill associated with the former Halton landfill operation. The King Paving applications are seeking zoning permission and site plan approval for only the asphalt plant use.

The asphalt plant will respect normal BC2 prohibitions on outdoor manufacturing. The BC2 zone does not allow loading or unloading to take place in the required front yard. The proposed plant is situated on a well compacted granular surface associated with the former landfill operation. The proposed asphalt plant structures, buildings, and related asphalt area are well within the normal 20% impervious surface coverage limit in the stock BC2 zone when considering the overall property. Just-in-time materials storage will be in segregated bin type structures situated south of the hydro easement thus preventing any aggregate material from being visible from the North Service Road or QEW.

King is therefore requesting to remove the H holding designation and to create

a modified BC2 zone with an exception number to permit the asphalt plant use on the leased lands. The proposed development will comply with the normal base BC2 zone side yard, rear yard, front yard setbacks, 40% maximum site coverage, 20% maximum building coverage and include the required 60m minimum landscape strip and buffer requirements.

The proposed buildings, equipment and silos will require a zoning adjustment to accommodate the proposed heights which exceed the base 10 m, one storey maximum height and the 127m geodetic datum. King is seeking a maximum height of 25 m for the silos and related structures and allowing development to the 142 m datum. Justification for this adjustment is contained in the visual impact study that accompanies the King Paving development applications. The visual impact assessment confirmed that the plant will be concealed from Highway 403 and will not interrupt the view to the Niagara Escarpment.

The existing zoning requires that processes take place in an enclosed building. The proposed plant will include a low-rise enclosed control buildings of approximately 225 m2 as well as silos and related loading equipment. The proposed by-law allows for this hybrid plant use that contains buildings and equipment, some of which is not enclosed. Similarly, a modest adjustment is needed to allow for outdoor manufacturing of asphalt products.

Part 3 Section 5.9 prohibits outdoor storage in the base BC2 zone. The King site plan shows aggregate storage in segregated storage bins south of the hydro easement. The design of the bins will control dust and conceal the materials from view from the North Service Road and Hwy 403. A minor adjustment to the storage provisions is necessary in the proposed zoning by-law to clearly permit the proposed open aggregate storage areas.

The recommended zoning bylaw amendment appended to this report as Appendix B is consistent with the policy intent of the Business Corridor OP policies and would permit the proposed asphalt plant and related storage as depicted shown on the detailed King Paving site plan.

9 Planning Considerations and Planning Opinion

9.1 Land Use Compatibility

Local and Regional Official Plans and the Provincial Policy Statement require that development be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety.

Given the site's isolated location, we are of the opinion that the proposed asphalt plant is compatible with surrounding land uses such as the Meridian brick plant and closed landfill. King currently operates its plant in a more sensitive location in

South Aldershot. As has been the case over the years, King undertakes to ensuring that its long-term, state of the art operations on the Halton site will be undertaken in accordance with provincial guidelines, standards, and procedures.

9.2 Environmental Considerations

GeoProcess concluded in its updated Environmental Impact Assessment (EIA) that:

"An impact assessment for the proposed development has been completed and mitigation measures are provided to avoid impacts to the important natural heritage features. This includes incorporating enhancement measures through native plantings within the natural heritage system. ***Overall, no net negative impacts to the adjacent natural areas are anticipated from the proposed development****.*

• Development of the site will not impact the small wetland pockets located adjacent to the proposed asphalt plant. These features are comprised predominantly of non-native species, including a dominance of European buckthorn which is not a wetland indicator species. No encroachment into these features is proposed, and a water balance of the site has demonstrated that no changes to the hydrology of the wetlands are likely to occur. The EIA concluded that these features should not be included in the Falcon Creek PSW complex.

• Provincially Significant Wetlands located along Falcon Creek are located more than 50 m from the proposed development site and will not be impacted from the proposed development.

• The site plan conforms to the natural heritage policies and regulations of the Halton Region, the City of Burlington, and Conservation Halton."

King Paving's technical studies have been completed in accord with Ontario Regulation 153/04.

King Paving has been in contact with immediate neighbours to the east and west and have informed them of the proposed plans and environmental controls described in the accompanying technical studies.

The proposed asphalt plant will be well set back and highly screened from view from the North Service Road and QEW thus mitigating any visual impacts. The limited number and height of silos, the enclosed small control building, and the concealed material storage bins will complement the open space character of the area. The site plan proposes for lowering the height of the rockfill base where possible, to further minimize apparent building, silo, and structure heights.

Trees are being preserved to the maximum possible degree and will be augmented by further plantings near the North Service Road as recommended in the updated GeoProcess report.

We are of the opinion, based on the studies submitted with these applications, that the proposed asphalt plant relocation to the subject highly disturbed, rock fill brownfield location on the closed Halton landfill site is consistent with sound environmental practice and local, regional, and provincial policy. Mitigation in the form of additional tree planting and stringent storm water quality and quantity controls will ensure that the proposed asphalt plant operates in a manner that is harmonious with its nearby natural setting and aquatic environment.

9.3 Transportation Considerations

The subject site is situated mid-block on the North Service Road. The North Service Road is designated in the Official Plan as a minor arterial road that can carry industrial destined traffic.

The King Paving Traffic Impact study reviewed the traffic impact that the proposed plant and landfill operation will have on the North Service Road and nearby intersections. Recommendations were made to include a left-hand turning lane to ensure safe turning movements are safe while allowing traffic to flow freely along the North Service Road.

The relocation of the asphalt plant from its current King site in South Aldershot will reduce existing King traffic impacts on Plains Road, Waterdown Road and the GO/Via station. Reduced King Paving truck movements along these roads will improve existing residential conditions in South Aldershot by diverting most of the King Paving asphalt generated traffic to the North Service Road. Reduction of truck traffic on Plains Road will help facilitate the successful implementation of the new east-west bikeway now under construction.

We are of the opinion that, based on the traffic studies, that the proposed asphalt plant relocation to the subject lands is consistent with sound traffic and transportation practices.

9.4 Servicing and Stormwater Quality and Quantity Management

The proposed development will rely on existing landfill access and driveways as shown on the site plan in Figure 4. The access driveway to the North Service Road will be upgraded to provide access to both the closed Halton landfill and the King plant. The new Halton landfill access road shown on Figure 4 will provide ready access to the exiting landfill site road network and leachate collection services. King will access its operations from the new Halton landfill access lane. The landfill and King sites will be gated to prevent public access.

King Paving is not applying to undertake any development the Region of Halton owned lands beneath the Hydro One easement.

A turning lane improvement from the North Service Road is proposed to ensure traffic safety and maintain traffic flows.

Sufficient water and wastewater connections are readily available. The proposed stormwater pond will ensure stormwater runoff is controlled in terms of quality and quantity.

Gas and electrical utilities are readily available to support the proposed asphalt plant on this brownfield site.

9.5 MECP Landfill Approval and Hydro One Requirements

Operation of the closed landfill site is overseen by the Ministry of Environment and Climate Change (MECP). King Paving is working closely with Halton Region Public Works staff to secure the required MECP to modify the certificate under which the closed landfill operates to permit the proposed driveway upgrades and the King asphalt plant. Halton Region is proposing to close the existing Hickory Lane and redirect landfill related traffic onto a former driveway that connects to the North Service Road. WSP prepared a through technical report supportive of the asphalt plant and driveway upgrades. The WSP report identified that proposed asphalt plant and the upgraded Halton landfill driveway are well separated from the closed landfill cells. The driveway improvements will also provide improved access to Halton's leachate collection system. Halton Public Works staff submitted the report to the MECP in 2024 and the report is now under active review by MECP staff.

Hydro One has been apprised of the proposed asphalt plant and upgraded landfill access lane. Halton Public Works and King Paving staff are working closely with Hydro One to ensure that the driveway and rock apron under the hydro lines will provide continuing routine and emergency access to Hydro One's towers and wires.

9.6 Site Plan and Long Term Lease Approval

King Paving's Official Plan and Zoning applications are based on a highly refined site plan to accommodate the relocated King Plant within a much reduced 2.4 ha footprint. See Figure 4.

King proposes to lease the subject lands form Halton Council for 21 years with a possible extension for another 21 years. Permission may be required to lease the lands for more than 21 years.

King Paving plans to submit an early site plan application once City Council has given direction on the King OPA and rezoning applications to save time and facilitate the relocation the winter of 2024-2025. The sooner the plant is relocated, the sooner the redevelopment of the current King site in South Aldershot.

10 Conclusion, Planning Opinion, and Recommendation

The proposed Official Plan Amendment, Zoning By-law Amendment and site plan approval applications have been submitted by King Paving to relocate its asphalt plant from the Aldershot transportation hub to a highly accessible, rock fill area on the former Halton landfill site.

The proposed asphalt plant meets Provincial, Regional and Burlington requirements, is compatible with surrounding land uses, and represents best practices in the industry. The asphalt plant is based on new technology predicated on a just-in-time delivery model that significantly reduces the footprint of the plant.

The plant is designed to minimize dust and emissions and be virtually invisible from Highway 403 and the North Service Road. The proposed plant and structures will not impede the view to the Niagara Escarpment as demonstrated in the updated visual impact analysis.

King Paving's expert consulting team has verified that the proposed plant can be developed in a manner that protects air and water resources as well as the natural environment per the updated functional servicing and stormwater management studies dated May 2024.

We agree with GeoProcess' conclusion that the proposed King asphalt plant conforms to the natural heritage policies and designations and regulations of Halton Region, the City of Burlington, and Conservation Halton. GeoProcess' updated report confirms that no significant natural heritage features are affected. King Paving agrees to plant over 100 trees, plant shrubs, and remove nearby invasive species thus contributing to the environmentally positive benefits associated with this brownfield development.

Reuse of this well located, secluded, brownfield area for an essential producer of high demand asphalt for local and regional contractors is an ideal arrangement consistent with Provincial Regional and local policies. This Halton landfill site also provides excellent access to local and regional road networks.

The proposed asphalt plant has been located and designed to respect and support the polices affecting immediately adjoining lands that are governed by the Greenbelt Plan, Parkway Belt West Plan, North Aldershot Plan, Halton, Provincial Growth Plan and Conservation Halton policies.

Relocation of the King Paving plant form the Aldershot MTSA to the Halton landfill lands will open the existing King Site to major redevelopment opportunities that fulfill, local, regional and provincial planning, transportation, and economic development economic goals.

The Official Plan Amendment, Zoning By-law Amendment and site plan approval applications submitted by King Paving to relocate its asphalt plant onto a man-made

rock fill area on the former Halton landfill site is compatible with surrounding uses and represents best practices in the industry.

King's expert consulting team has verified that the proposed plant can be developed in a manner that protects air and water resources as well as the adjacent natural environment. Reuse of this well located, secluded, brownfield area for an essential producer of high demand asphalt for local and regional contractors is an ideal arrangement consistent with Provincial Regional and local policies.

We are of the opinion that the King applications represent good land use planning and are in the public interest. We therefore recommend that King Paving's proposed official plan amendment, zoning amendment, and site plan approval applications be approved.

Signed,



Leo DeLoyde, BES MES MCIP, RPP

DeLoyde Development Solutions

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APPENDIX A – Draft Official Plan Amendment

Draft AMENDMENT NO. XXX TO THE OFFICIAL PLAN OF THE CITY OF BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part "B" of this text, constitute Amendment No. XXX to the Official Plan of the City of Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this amendment is to permit an asphalt plant and ancillary open storage on the former Halton Landfill lands at 291 North Service Road.

2. SITE AND LOCATION

The subject lands are located on the north side of the North Service Road, east of Waterdown Road. The subject lands are approximately 2.4 hectares in area. The lands are vacant and currently contains rock fill associated with the former Halton landfill operation.

Surrounding land uses consist of office and employment uses, Hwy 403 to the south, a closed landfill site to the north, and an auto dealership and major brick plant operation to the east.

3. BASIS FOR THE AMENDMENT

a) The application proposes land use that is consistent with the Provincial Policy Statement (PPS, 2020). The PPS promotes economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and considers the needs of existing and future businesses.

b) Relocation of the existing asphalt plant from the Aldershot major transit station area to the subject location site will direct intensification within the City's built-up area and in proximity to transit and convenient access to stores, parks and services assists the City in achieving its intensification targets and meet the intent of the Provincial A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and the Region of Halton Official Plan.

c) The proposed development is located on lands with adequate infrastructure and in proximity to transportation routes and satisfies Official Plan policies to provide employment opportunities on underutilized brownfield lands.

d) The proposed redesignation of the property to permit an asphalt plant use supports the City's Official Plan objective to encourage a wide range of employment uses including manufacturing while maintaining land use compatibility with the surrounding employment area.

e) The applicant submitted technical studies with the application that provide adequate and appropriate information to support the development including detailed environmental and geotechnical studies and a viewshed analysis confirming maintenance of views to the Niagara Escarpment. The asphalt plant represents a state of the art, quality design that will be screened from view from the North Service Road and the QEW.

f) The proposed development will maintain the open space character of the area including the adjoining North Aldershot policy area and greenbelt lands.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: None proposed.

Text Change: The text of the Official Plan of the City of Burlington, as amended, is hereby amended as follows:

By adding Part III, 3.4.3 o) as follows:

o) In addition to the uses permitted in Part III, Subsection 3.4.2 a) of this Plan, the property at 291 North Service Road may permit an asphalt plant.

Notwithstanding Part III, Subsection 3.4.3 a) (ii) of this Plan, outside storage of aggregate and recycled asphalt materials is permitted, provided the storage areas are screened from the North Service Road with landscaping.

Notwithstanding Part III, Subsection 3.4.3 a) (iii) of this Plan, the asphalt plant equipment and silos may be unenclosed.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the City of Burlington.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate “Implementation” policies of Part VI, of the Official Plan of the City of Burlington

APPENDIX B: Draft Zoning By-law Amendment

BY-LAW NUMBER 2020 SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020

A By-law to amend By-law 2020, as amended - 291 North Service Road

File No.: XXX

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PL-XX-23 on XXX, 2023 to amend the City's existing Zoning By-law 2020, as amended, to allow an asphalt plant and material storage on the former Halton Landfill site at 291 North Service Road;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number 4 of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

2. The H Holding symbol is removed from the H-BC2 zoning classification on the lands designated as "A" on Schedule "A" attached hereto are subject to Exception BC2-XXX as amended by this by-law.

3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, Exception:

1. Permitted Use

   a) Asphalt Plant including open storage of materials

2. Regulations

   a) Minimum lot width 70 m

   b) Minimum lot area .8 ha

   c) Minimum rear yard 7.5 m

   d) Yard abutting the North Service Road: 90 m

e) Landscape Area abutting the South Service Road: 15 m

f) Open storage and open manufacturing are permitted

d) Notwithstanding maximum height requirements in Part 3, Section 5.3 Table 3.5.3, the maximum height of buildings, structures, and silos shall not exceed 25 m or 140 m geodetic datum.

Except as amended, all other provisions of this By-law, as amended, shall apply

4 a) When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

4 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this …….day of ..... 2024.

MAYOR

CITY CLERK

Schedule A

Area ‘A”

To be rezoned from H-BC2 as amended to BC2 with an exception number

